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C O N F I D E N T I A L OTTAWA 003620

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PASS TO USTR FOR MELLE, SULLIVAN, GARDE  
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STATE FOR EB/TPP/IPE (BOGER); WHA/CAN (SOILA)  
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E.O. 12958: DECL: 12/19/2016  
TAGS: [CA](#) [ECON](#) [ETRD](#) [KIPR](#)  
SUBJECT: CANADA COPYRIGHT BILL MONTHS AWAY FROM  
INTRODUCTION IN PARLIAMENT

REF: A. OTTAWA 3604

[1](#)B. OTTAWA 3179

Classified By: Ambassador David Wilkins. Reason 1.4 (b) and (d)

[1](#)1. (c) Summary: In a December 19 meeting with the Ambassador, Minister of Industry Maxime Bernier stated that he hopes to present copyright legislation for Cabinet approval by the end of February 2007. Bernier said he had tried and failed to introduce a copyright bill before the Christmas recess - and that he is still working with stakeholders and Minister of Canadian Heritage Beverley Oda to draft a "balanced" bill. Bernier also stated that the final copyright legislation "would be in line" with USG priorities, but was not more specific. The Ambassador reiterated that effective IPR protection is the USG's top economic priority in Canada now that the softwood lumber dispute has been resolved. He urged Bernier to introduce the copyright bill early in the new year, well ahead of any potential Parliamentary elections. End Summary

[1](#)2. (c) The Ambassador reminded Industry Minister Bernier of the Canadian government's original aim to introduce copyright legislation in the fall of 2006. While seconding EMIN's praise for Canada's approval of pharmaceutical data protection regulations (ref b), the Ambassador also noted a prevailing view in the United States that Canada's IPR regime is not up to international standards and falls short in several areas. Bernier stated that he is committed to meeting Canada's international obligations to ratify and implement the WIPO Internet treaties, and said he welcomed USG interest in the legislation. Bernier made it clear, however, that he wants to table a bill that Parliament will pass, and that he had opened discussions with the opposition Bloc Quebecois, NDP, and Liberal Party, on the subject.

[1](#)3. (c) Bernier promised to keep the Ambassador informed on the copyright bill's progress, and indicated that USG officials might see the legislation after it is approved by Cabinet, but before it is introduced in Parliament. While declining to discuss specifics, Bernier said the bill will look to balance the views of creators and artists against "the other side." He encouraged the Ambassador to speak publicly about the importance of IPR to the United States, saying such efforts would improve the chances of Cabinet and Parliament approving a good copyright bill.

[1](#)4. (c) Comment: The delay in readying copyright legislation suggests Canadian officials are having difficulty dealing with contentious issues (e.g., internet service provider

liability; circumvention devices) that were inadequately addressed in bill C-60 under the previous government. Despite Bernier's best efforts to move his legislation along, a copyright bill could again die before passage if expected spring elections are called.

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